

Regular Session, 2008

HOUSE BILL NO. 334

BY REPRESENTATIVES ELBERT GUILLORY, AUBERT, AUSTIN BADON, BOBBY BADON, BARROW, BILLIOT, BURRELL, CORTEZ, DIXON, FRANKLIN, GALLOT, GISCLAIR, GREENE, MICKEY GUILLORY, HARDY, HAZEL, HENDERSON, HONEY, HOWARD, HUTTER, ROSALIND JONES, LAFONTA, LEBAS, LEGER, LIGI, LOPINTO, MONICA, MORRELL, MORRIS, NORTON, PETERSON, RICHMOND, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, TEMPLET, TRAHAN, WHITE, AND WILLIAMS AND SENATORS CRAVINS, DORSEY, GRAY, JACKSON, MARTINY, AND MURRAY

CORRECTIONS: Enacts the Inmate Rehabilitation and Workforce Development Act

1 AN ACT

2 To enact Part XVIII of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 15:1199.1 through 1199.16, relative to inmate workforce
4 development; to enact the Inmate Rehabilitation and Workforce Development Act;
5 to provide for the development and administration of the inmate rehabilitation and
6 workforce development program; to provide for definitions; to provide for legislative
7 findings; to create the inmate rehabilitation and workforce development advisory
8 council; to provide for the membership of the council; to provide for the powers and
9 duties of the council; to authorize the receipt of per diem by certain members of the
10 council; to provide for the purposes of the program; to provide for the components
11 of the program; to provide for applicability; to provide for inmate eligibility for
12 participation in the program; to provide for selection of eligible inmates; to provide
13 for the duration of the program; to provide criteria for removal from the program; to
14 provide for rulemaking; to provide for annual reporting; to provide for the powers,
15 duties, and responsibilities of the Department of Public Safety and Corrections
16 regarding the implementation and administration of the program; to authorize and
17 provide for workforce development work release programs; to provide for the
18 collection and distribution of inmate wages; to provide for substance abuse

1 counseling and treatment; to provide for mandatory and random drug testing of
2 inmates; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. Part XVIII of Chapter 7 of Title 15 of the Louisiana Revised Statutes of
5 1950, comprised of R.S. 15:1199.1 through 1199.16, is hereby enacted to read as follows:

6 PART XVIII. INMATE REHABILITATION

7 AND WORKFORCE DEVELOPMENT

8 §1199.1. Short title

9 This Part may be referred to and may be cited as the "Inmate Rehabilitation
10 and Workforce Development Act".

11 §1199.2. Legislative findings

12 A. The goals of incarceration in the criminal justice system are:

13 (1) To protect the citizens of the state of Louisiana.

14 (2) To punish conduct which is defined as criminal by the legislature.

15 (3) To deter future conduct which is defined as criminal by the legislature.

16 (4) To rehabilitate offenders so that they may be reintroduced into society
17 as law-abiding citizens.

18 B. The state of Louisiana is experiencing a severe shortage of skilled
19 craftsmen. As a result of this workforce shortage, industries which depend upon
20 skilled craftsmen are required to recruit and employ workers who are not Louisiana
21 residents.

22 C. Within the prison system, there are Louisiana residents who have been
23 convicted of nonviolent offenses who could be trained as skilled craftsmen to fill the
24 workforce demand.

25 D. The legislature recognizes that an essential component of reducing
26 recidivism is providing an individual with the necessary occupational skills to afford
27 him the opportunity to earn a living, support his family, and contribute to his
28 community.

1 E. The legislature also recognizes that in addition to occupational skills
2 development, it is absolutely essential to provide proper substance abuse counseling,
3 mentoring, and other programs to assist individuals as they return to their
4 communities with a focus on breaking the cycle that prevents them from moving
5 forward with their lives.

6 F. With the goals of protecting the public safety, reducing recidivism,
7 rehabilitation, and improving the skilled workforce of the state of Louisiana, the
8 Louisiana Legislature enacts the Inmate Rehabilitation and Workforce Development
9 Act.

10 §1199.3. Definitions

11 As used in this Part, the following words have the following meanings:

12 (1) "Council" means the Inmate Rehabilitation and Workforce Development
13 Advisory Council.

14 (2) "Craft" means an occupation or trade requiring manual dexterity,
15 specified training, and certification or licensing.

16 (3) "Department" means the Louisiana Department of Public Safety and
17 Corrections.

18 (4) "Program" means the inmate rehabilitation and workforce development
19 program operated by the Department of Public Safety and Corrections as authorized
20 by the provisions of this Part.

21 (5) "Secretary" means the secretary of the Louisiana Department of Public
22 Safety and Corrections.

23 (6) "Skilled craftsman" means a person who has completed training and
24 certification or licensing in a skilled craft or an apprentice occupation as defined by
25 the Louisiana Department of Labor which may include but is not limited to
26 electrician, plumber, pipefitter, welder, millwright, heavy equipment operator,
27 carpenter, heating, ventilation and air-conditioning, heavy construction, building
28 construction, or machinist.

1 (7) "Workforce development work release" means a program for on-the-job
2 training of inmates who have completed the inmate rehabilitation and workforce
3 development program authorized by the provisions of this Part.

4 §1199.4. Inmate Rehabilitation and Workforce Development Advisory Council;
5 creation; members; powers and duties

6 A. The Inmate Rehabilitation and Workforce Development Advisory
7 Council is hereby created within the Department of Public Safety and Corrections.

8 B. The council shall be domiciled in East Baton Rouge Parish.

9 C. The council shall be comprised of eleven members.

10 D. Six members of the council shall be comprised as follows:

11 (1) The secretary of the Department of Public Safety and Corrections, or his
12 designee.

13 (2) The secretary of the Department of Labor, or his designee.

14 (3) The secretary of the Department of Health and Hospitals, or his designee.

15 (4) The president of the Louisiana Community and Technical College
16 System, or his designee.

17 (5) The president of the Senate shall appoint one member from the standing
18 committee in the Senate having criminal law and procedure subject matter
19 jurisdiction.

20 (6) The speaker of the House shall appoint one member from the standing
21 committee in the House having criminal law and procedure subject matter
22 jurisdiction.

23 E. The governor shall appoint five members in accordance with the
24 following provisions:

25 (1) One member shall be appointed from a list of three nominees submitted
26 by the Louisiana Sheriffs Association.

27 (2) One member shall be appointed from a list of three nominees submitted
28 by the Louisiana Association of Builders and Contractors.

1 (3) One member shall be appointed from a list of three nominees submitted
2 by the Louisiana Association of Business and Industry.

3 (4) One member shall be appointed from a list of three members nominated
4 by the president of the Louisiana AFL-CIO.

5 (5) One member shall be appointed from a list of three members nominated
6 by the Louisiana State Building and Construction Trades Council.

7 F. Members, other than the secretaries, or their designees, or employees of
8 the state, may receive a per diem of seventy-five dollars for each day spent in actual
9 attendance of meetings of the council. Members may also receive a mileage
10 allowance for mileage traveled in attending meetings of the council. The mileage
11 allowance shall be fixed by the council in an amount not to exceed the mileage rate
12 for state employees.

13 G. Six members shall constitute a quorum, and all actions of the council shall
14 require the affirmative vote of at least six members.

15 H. The governor shall appoint the chairman of the council, and the council
16 shall annually elect a vice chairman from among its members.

17 I. The council shall meet at least quarterly and may meet upon the call of the
18 chairman or any three members. Meetings of the council shall be open to the public
19 in accordance with law.

20 J. A vacancy on the council shall be filled in the same manner as the original
21 appointment.

22 K. Appointed members of the council shall serve four-year terms.

23 L. The secretary shall provide the council with necessary clerical personnel.

24 M. The council shall serve as an advisory body to the secretary on the
25 administration of the program as authorized by this Part.

26 §1199.5. Administration of program; purposes

27 A. The secretary shall administer the provisions of this Part.

28 B. The department shall operate the inmate rehabilitation and workforce
29 development program for the following purposes:

1 (1) To provide inmates with employment skills, job training, and
2 employment once they have completed the program.

3 (2) To develop a workforce of skilled craftsmen.

4 (3) To provide inmates with the necessary substance abuse counseling,
5 mentoring, and other programs to assist them in returning to their communities with
6 a focus on breaking the cycle of substance abuse, criminal behavior, and violence
7 that prevents them from moving forward with their lives.

8 (4) To reduce the rate of recidivism by providing inmates with the necessary
9 occupational training, educational opportunities, and substance abuse counseling to
10 allow them to have meaningful alternatives to criminal behavior and substance
11 abuse.

12 C.(1) The department may enter into cooperative endeavors or contracts with
13 and request studies or reports from private citizens, the Louisiana Department of
14 Labor, the Louisiana Department of Education, and the Louisiana community and
15 technical colleges in this state for the purpose of encouraging the development of
16 training facilities to produce skilled craftsmen for employment in Louisiana
17 industries.

18 (2) Should the department enter into cooperative endeavors or contracts or
19 receive studies or reports as provided in Paragraph (1) of this Subsection, it shall
20 transmit the summary and the reports to the House Committee on Administration of
21 Criminal Justice, the Senate Committee on Judiciary B, the Legislative Fiscal Office,
22 and the persons or entities which made the recommendations by April first of each
23 year.

24 D. The department may enter into cooperative endeavors or contracts with
25 the Louisiana Department of Labor, the Louisiana Department of Education, and the
26 Louisiana community and technical colleges, educational institutions, training
27 facilities, and employers to provide the intensive training programs necessary for
28 proper certification or licensing of skilled craftsmen as authorized by the provisions
29 of this Part.

1 E. The department may enter into cooperative endeavors or contracts with
2 service providers to provide substance abuse treatment and counseling or halfway
3 housing to inmates who participate in the program.

4 F. In the administration of this program, the secretary, with the assistance of
5 the council shall:

6 (1) Make an annual report to the legislature regarding the program. The
7 report shall include at a minimum:

8 (a) Recommendations for all needed changes in the law regarding the
9 operation and administration of the program.

10 (b) A complete report on the receipt and expenditure of all funds received
11 by the department for operation of the program.

12 (c) Comprehensive data regarding the number of inmates who are enrolled
13 in the program, have graduated from the program, and who have been assigned to
14 workforce development work release.

15 (2)(a) Establish, and modify as necessary, a plan of organization to
16 administer the program efficiently and thoroughly.

17 (b) The plan of organization shall provide for the capacity to:

18 (i) Administer the granting of cooperative endeavors or contracts.

19 (ii) Analyze and review investigative and audit reports and findings.

20 (iii) Provide for enforcement of department rules or regulations as is
21 necessary to provide for the efficient and thorough operation of the program.

22 (3) Approve, prior to its presentation to the legislature and after
23 appropriation but prior to allocation, the budget for the administration and operation
24 of the program.

25 (4) Issue a written response to any formal request from the governor and the
26 legislature or any committee thereof.

27 (5) Appear before any committee of the legislature upon request of the
28 president of the Senate, the speaker of the House, or the chairman of any legislative
29 committee.

1 (6) Prepare and submit for review to the Joint Legislative Committee on the
2 Budget on or before March first of each year an annual financial report which
3 outlines the expenditures of all funds for the previous calendar year.

4 (7) Collect, prepare, and submit an annual report to the legislative auditor on
5 June thirtieth each year.

6 G. The secretary shall coordinate with the secretary of the Louisiana
7 Department of Labor to ensure that the administration of the program as provided by
8 this Part and the programs administered by the Louisiana Department of Labor do
9 not provide duplicative or conflicting services to the same individuals. All efforts
10 shall be coordinated and consistent with R.S. 23:1 et seq.

11 §1199.6. Rulemaking

12 A.(1) The secretary, with the advice of the council, shall adopt rules
13 necessary to implement the provisions of this Part.

14 (2) In order to efficiently implement the provisions of this Part, if the
15 secretary has previously adopted rules or regulations which can be used to satisfy the
16 requirements of this Part, then the secretary shall not be required to adopt new or
17 duplicative rules or regulations. The secretary, with the advice of the council, may
18 designate previously adopted rules or regulations as sufficient to implement the
19 provisions of this Part.

20 B. The rules shall include but not be limited to:

21 (1) Guidelines and criteria for eligibility to participate in the program.

22 (2) Guidelines and criteria for continued participation and successful
23 completion of the program.

24 (3) Guidelines for proper documentation and certification or licensing for
25 work specialities upon completion of the program.

26 (4) Guidelines for transportation to and from work projects.

27 (5) Guidelines for the supervision, custody, and control of inmates
28 participating in the program.

1 (6) Guidelines for establishing necessary security and safety provisions
2 regarding participation in the program.

3 (7) Guidelines for the establishment and maintenance of inmate
4 compensation and savings accounts for participating in the program.

5 (8) Procedures and guidelines for monitoring the program, including annual
6 on-site audits.

7 (9) Qualifications and training of staff.

8 (10) Guidelines for the workforce development work release program for
9 graduates of the inmate rehabilitation and workforce development program.

10 (11) Guidelines for determining inmate selection for particular crafts in
11 accordance with this Part.

12 (12) Criteria for the selection and authorization of educational institutions,
13 training facilities, and employers to provide intensive training programs necessary
14 for proper certification and licensing of skilled craftsmen.

15 (13) Criteria for the selection and authorization of service providers to
16 provide substance abuse treatment and counseling or halfway housing to inmates
17 who participate in the program.

18 (14) Guidelines for the administration of mandatory and random drug testing
19 for controlled dangerous substances in accordance with this Part.

20 (15) Guidelines for removal from the program.

21 C. All rules shall be adopted pursuant to the provisions of the Administrative
22 Procedure Act and shall be subject to legislative oversight by the House Committee
23 on the Administration of Criminal Justice and the Senate Committee on Judiciary B.
24 §1199.7. Inmate eligibility for program; prohibitions

25 A. An inmate may be eligible for participation in the program for any of the
26 following:

27 (1) The inmate is sentenced to the custody of the Department of Public
28 Safety and Corrections to serve seven years or less for a first or second offense for

1 possession of a controlled dangerous substance as provided for in the Uniform
2 Controlled Dangerous Substances Law.

3 (2) The inmate is sentenced to the custody of the Department of Public
4 Safety and Corrections to serve seven years or less for a first or second offense for
5 distribution, dispensing, or possession with intent to produce, manufacture,
6 distribute, or dispense a controlled dangerous substance as provided for in the
7 Uniform Controlled Dangerous Substances Law.

8 (3) The offender is sentenced to the custody of the Department of Public
9 Safety and Corrections to serve seven years or less for a nonviolent first felony
10 offense.

11 B. Prior to acceptance into the program, an inmate shall submit to a drug test
12 for the presence of controlled dangerous substances administered by the department.
13 The inmate shall test negative for the presence of controlled dangerous substances
14 in order to be eligible for participation in the program.

15 C. An inmate convicted of any of the following offenses shall not be eligible
16 for participation in the program:

17 (1) A sex offense as defined in R.S. 15:541(14.1).

18 (2) A crime of violence as defined in R.S. 14:2(B).

19 (3) A habitual offender in accordance with R.S. 15:529.1.

20 §1199.8. Eligible inmate selection and participation in program

21 A. An inmate who is eligible to participate in the program as provided for
22 in R.S. 15:1199.7 may be considered for participation in the program if all of the
23 following occur:

24 (1) The staff at the adult reception and diagnostic centers, after a thorough
25 evaluation, determine that the offender is suitable and appropriate for participation
26 in the program.

27 (2) The secretary, or his designee, determines that the inmate meets the
28 guidelines and criteria established by rule for participation in the program.

1 (3) The secretary, or his designee, after an evaluation, determines that the
2 inmate is particularly likely to respond affirmatively to participation in the program.

3 (4) The inmate meets other conditions of participation or rules adopted as
4 provided by the provisions of this Part.

5 (5) The inmate voluntarily enrolls in the program after having been advised
6 by the department of the rules and regulations governing participation in the
7 program.

8 B. The participating inmate shall be evaluated by the program staff on a
9 continual basis. The evaluation shall include the performance of the inmate while
10 participating in the program, the likelihood of successful completion of the program,
11 the likelihood of successful employment following completion of the program, and
12 other factors deemed relevant by the secretary, the council, or the program staff. The
13 evaluation shall provide the basis for any recommendations by the department upon
14 the completion of the program by the inmate.

15 C. Violation of any departmental or program rules or regulations may subject
16 the inmate to removal from the program by the department.

17 §1199.9. Workforce development work release for graduates of program
18 administered by the department

19 A. Notwithstanding the provisions of R.S. 15:711 or 1111 or any other
20 provision of law to the contrary, an inmate who has graduated from the program and
21 obtained the proper certification or licensing as a skilled craftsman may participate
22 in a workforce development work release program administered by the department.

23 B. Workforce development work release shall be for inmates who have
24 graduated from the inmate rehabilitation and workforce development program and
25 have been certified or licensed as skilled craftsmen.

26 C. The department shall designate and adapt facilities for the purpose of
27 housing inmates with workforce development work release privileges, or it may
28 arrange and contract for other facilities, including but not limited to portions of
29 parish jails for inmates employed in the area.

1 D. Every inmate with workforce development work release privileges shall
2 be liable for the cost of his room, clothing, and other necessary expenses of his
3 employment or placement unless other means of payment are approved by the
4 department.

5 E. The wages of any inmate so employed shall be collected by the secretary
6 or his designated agent, shall be deposited in a public banking institution, and a
7 ledger showing the financial status of each inmate on the program shall be kept.

8 F. The wages of each inmate shall be disbursed by the department for the
9 following purposes and in the order stated:

10 (1) The expenses for the board of the inmate including food and clothing.

11 (2) Necessary travel expenses to and from work and other incidental
12 expenses of the inmate.

13 (3) Any tuition, books, or other costs associated with the program which are
14 required to be paid by participants in the program.

15 (4) Any necessary fees for the examination for certification or licensing in
16 a craft.

17 (5) Any certification or licensing fees required to become a skilled
18 craftsman.

19 (6) Any court-ordered child support owed by the inmate. The support may
20 be paid in installments approved by the department.

21 (7) Any court-ordered restitution, or restitution owed to the department, or
22 any other obligations acknowledged by the inmate in writing, or which have been
23 reduced to judgment. The obligations may be paid in installments approved by the
24 department.

25 (8) Any drug testing as required by the provisions of this Part.

26 (9) The balance, if any, to the inmate upon his discharge.

27 G. The wages of an inmate so employed shall not be less than the customary
28 wages for an employee performing similar services.

1 H. Deductions for room, board, and other administrative costs resulting from
2 participation in a workforce development work release program authorized by this
3 Section shall not exceed seventy-five percent of the wages received by an inmate.
4 §1199.10. Workforce development work release for graduates of the program
5 administered by the sheriff

6 A. The sheriff of each parish, and in Orleans Parish, the criminal sheriff, is
7 hereby authorized to enter into a cooperative endeavor with the department to
8 administer a workforce development work release program for inmates sentenced to
9 the department who are confined in any jail or prison in his jurisdiction. In the event
10 that the inmate is confined to a parish correctional facility not operated by the sheriff,
11 the administrator of the correctional facility is hereby authorized to enter into a
12 cooperative endeavor with the department to administer a workforce development
13 work release program for inmates sentenced to the department who are confined to
14 a correctional facility in his jurisdiction, and "sheriff" as used herein shall also mean
15 administrator of the correctional facility where the inmate is confined.

16 B.(1) Only an inmate who has graduated from the inmate rehabilitation and
17 workforce development program and obtained the proper certification or licensing
18 as a skilled craftsman may participate in a workforce development work release
19 program administered by the sheriff.

20 (2) Eligibility for participation in workforce development work release as
21 provided by this Section shall be determined by the provisions of this Part and any
22 rules adopted by the department.

23 (3) Each sheriff may establish additional written rules for the administration
24 of the workforce development work release program administered by his office.

25 C. The sheriff may enter into contracts with educational institutions, training
26 facilities, and employers to provide the intensive training programs necessary for
27 proper certification or licensing as a skilled craftsman as authorized by the
28 provisions of this Part.

1 D. Every inmate with workforce development work release privileges shall
2 be liable for the cost of his room, clothing, and other necessary expenses of his
3 employment or placement unless other means of payment are approved by the
4 department.

5 E. The wages of any inmate so employed shall be collected by the sheriff or
6 his designated agent and shall be deposited in a public banking institution, and a
7 ledger showing the financial status of each inmate shall be kept.

8 F. The wages of each inmate shall be disbursed by the sheriff for the
9 following purposes and in the order stated:

10 (1) The expenses of the board of the inmate including food and clothing.

11 (2) Necessary travel expenses to and from work and other incidental
12 expenses of the inmate.

13 (3) Any tuition, books, or other costs associated with the program which are
14 required to be paid by participants in the program.

15 (4) Any necessary fees for the examination for certification or licensing in
16 a craft.

17 (5) Any certification or licensing fees required to become a skilled
18 craftsman.

19 (6) Any court-ordered child support owed by the inmate. The support may
20 be paid in installments approved by the department.

21 (7) Any court-ordered restitution, or restitution owed to the department, or
22 any other obligations acknowledged by the inmate in writing, or which have been
23 reduced to judgment. The obligations may be paid in installments approved by the
24 department.

25 (8) Any drug testing as required by the provisions of this Part.

26 (9) The balance, if any, to the inmate upon his discharge.

27 G. The wages of an inmate so employed shall not be less than the customary
28 wages for an employee performing similar services.

1 H. Deductions for room, board, and other administrative costs resulting from
2 participation in a workforce development work release program authorized by this
3 Section shall not exceed seventy-five percent of the wages received by an inmate.

4 §1199.11. Traditional work release programs not affected

5 Participation in workforce development work release programs as authorized
6 by the provisions of R.S. 15:1199.9 and 1199.10 shall not be construed to prohibit
7 an inmate from participating in a work release program authorized by the provisions
8 of R.S. 15:711 or 1111 if the inmate is otherwise eligible for participation. However,
9 only those inmates who have graduated from the program and have been certified or
10 licensed as skilled craftsmen may participate in workforce development work release
11 as authorized by the provisions of R.S. 15:1199.9 and 1199.10.

12 §1199.12. Program duration; development; selection of craft

13 A. The program shall be designed to last for two years.

14 B. The department, with advice from the council, shall assist each inmate in
15 selecting a craft as provided for in this Part.

16 C. The pairing of the inmate with a particular craft shall be determined by
17 all of the following:

18 (1) The skills, interests, and abilities of the inmate. This shall include actual
19 demonstration and simulation of the respective crafts.

20 (2) Likelihood of successful job placement and opportunity upon graduation
21 from the program, including the need for particular craftsmen at the time the inmate
22 enters the program.

23 (3) The availability of training facilities, instructors, and the number of
24 inmates enrolled for particular crafts.

25 D.(1) Eligible inmates who have been admitted to the program shall
26 participate in a one-year intensive training program in a selected craft.

27 (2) Upon completion of the one-year intensive training program, the inmate
28 shall qualify for any necessary examination to become a skilled craftsman.

1 (3) The inmate shall take any necessary examination required for
2 certification or licensing as a skilled craftsman.

3 (4) Upon successful completion of any certification or licensing as a skilled
4 craftsman, the inmate shall begin a one-year workforce development work release
5 program.

6 E. Upon completion of the one-year workforce development work release
7 program, the inmate shall be placed upon supervised parole for the remainder of his
8 sentence. It shall be a condition of the inmate's supervised parole that he maintain
9 employment as a skilled craftsman at a location approved by the department.

10 §1199.13. Removal from program

11 A. An inmate may be removed from the program for any of the following:

12 (1) Willful failure to comply with the rules of the program.

13 (2) Willful failure to participate in any educational or skills development
14 component of the program.

15 (3) Any action taken which results in disciplinary proceedings by the
16 department.

17 (4) Failure to take examinations necessary to receive certification or
18 licensing as a skilled craftsman.

19 (5) Failure to submit to random drug testing as provided for by the
20 department.

21 (6) Testing positive for any controlled dangerous substances as provided for
22 by the provisions of this Part.

23 (7) Any other reason deemed by the department to render the inmate
24 ineligible to complete the program.

25 B. Removal from the program shall be at the discretion of the department
26 based upon criteria developed by rules or regulations adopted by the department.

27 C. An inmate removed from the program shall be returned to the custody of
28 the department for the remainder of his sentence.

1 D. An inmate removed from the program shall forfeit any diminution of
2 sentence or good time earned as a result of participation in the program.

3 §1199.14. Substance abuse treatment and counseling

4 A. The department may enter into cooperative endeavors or contracts with
5 the Department of Health and Hospitals, educational institutions, training facilities,
6 and service providers to provide for substance abuse treatment and counseling for
7 inmates participating in the program.

8 B. The department with the assistance of the council shall determine the
9 amount of substance abuse treatment and counseling that inmates who participate in
10 the program shall receive.

11 §1199.15. Authorized providers for intensive training

12 The department, with the assistance of the council, shall develop a list of
13 educational institutions, training facilities, and employers authorized to provide
14 intensive training programs necessary for proper certification and licensing of skilled
15 craftsmen as authorized by the provisions of this Part.

16 §1199.16. Drug testing

17 A. Once an inmate is accepted into the program, the inmate agrees to random
18 drug testing to verify that he is drug free. Random drug testing shall be performed
19 in accordance with rules or regulations adopted by the department.

20 B. If an inmate tests positive for a controlled dangerous substance as
21 provided for in Subsection A of this Section, he may be removed from the program
22 and returned to the custody of the department for the remainder of his sentence.

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Elbert Guillory

HB No. 334

Abstract: Creates the inmate rehabilitation and workforce development program.

Proposed law creates the inmate rehabilitation and workforce development program to be administered by DPS&C.

Proposed law creates the inmate rehabilitation and workforce development advisory council to function as an advisory body for DPS&C in administering the program.

Proposed law provides that the council shall be composed of 11 members, selected from various state agencies, the legislature, and lists submitted to the governor by certain associations.

Proposed law provides that members, other than the secretaries, or their designees, or employees of the state, may receive a \$75 per diem for each day spent in actual attendance of meetings of the council. Members may also receive a mileage allowance for mileage traveled in attending meetings.

Proposed law provides that DPS&C may enter into cooperative endeavors or contracts with the La. Dept. of Labor, the La. Dept. of Education, and the La. community and technical colleges, educational institutions, training facilities, and employers to provide the intensive training programs necessary for proper certification or licensing of skilled craftsmen and to provide substance abuse treatment and counseling or halfway housing to inmates who participate in the program.

Proposed law provides for the administration of this program by the secretary and the assistance of the council.

Proposed law provides that DPS&C shall adopt all rules necessary to implement the provisions of proposed law and that those rules shall be adopted in accordance with the APA.

Proposed law provides that if the secretary has previously adopted rules or regulations which can be used to satisfy the requirements of proposed law, then the secretary shall not be required to adopt new or duplicative rules or regulations.

Proposed law provides criteria for an inmate's eligibility for participation in the program.

Proposed law provides that the following inmates are not eligible to participate in the program:

- (1) A person convicted of a sex offense.
- (2) A person convicted of a crime of violence.
- (3) A person sentenced as a habitual offender.

Proposed law provides separate criteria for an inmate to be considered for participation in the program.

Proposed law further provides that the participating inmate shall be evaluated by the program staff on a continual basis.

Proposed law requires the program to last for two years and requires DPS&C to assist each inmate in selecting a craft.

Proposed law provides that eligible inmates who have been admitted to the program shall participate in one-year intensive training in a selected craft. Upon completion of the program, the inmate shall qualify for any necessary examination to become a skilled craftsman. The inmate shall take any necessary examination for certification or licensing as a skilled craftsman and shall begin a one-year workforce development work release program. Upon completion of the program, the inmate shall be placed upon supervised parole for the remainder of his sentence.

Proposed law provides criteria for the removal of the inmate from the program.

Proposed law provides that prior to acceptance into the program, an inmate shall submit to a drug test for the presence of controlled dangerous substances and, once accepted into the program, he agrees to random drug testing to verify that he remains drug free.

Proposed law authorizes DPS&C and sheriffs to administer a workforce development work release program for graduates of the inmate rehabilitation and workforce development program.

Proposed law provides for the distribution of the wages earned by the inmate.

Proposed law provides that the wages of an inmate so employed shall be not less than the customary wages for an employee performing similar services. Deductions for room, board, and other administrative costs resulting from participation in a workforce development work release program shall not exceed 75% of the wages received by an inmate.

Proposed law requires that as a condition of supervised parole that the inmate maintain employment as a skilled craftsman at a location approved by the department.

Proposed law provides that the annual report to the legislative auditor be prepared by June 30 each year.

Proposed law requires efforts be coordinated with Dept. of Labor so that programs are consistent and not duplicated.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:1199.1-1199.16)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Requires DPS&C and Dept. of Labor to work together so that programs are coordinated and not duplicated.

House Floor Amendments to the engrossed bill.

1. Makes multiple technical changes.
2. Changes the term "service providers" to "employers".

3. Changes the term "work-release" to "work release".
4. Provides that previously adopted rules and regulations may be sufficient to implement the program without the necessity of adopting new rules or regulations.
5. Makes changes to drug testing provisions.
6. Requires that as a condition of supervised parole, the inmate maintain employment as a skilled craftsman at a location approved by the department.
7. Makes bill effective upon signature of governor or lapse of time for gubernatorial action.
8. Provides that the annual report to the legislative auditor be prepared by June 30 each year.
9. Changes the length of time an inmate is committed to DPS&C and is eligible for participation in the program from five years or less to seven years or less.